

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of W.G., Police Officer
(S9999U), Bayonne

CSC Docket No. 2018-119

Medical Review Panel Appeal

ISSUED: June 14, 2019 (BS)

W.G., represented by Thomas J. Cammarata, Esq., appeals his rejection as a Police Officer candidate by the Bayonne Police Department and its request to remove his name from the eligible list for Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on May 18, 2018, which rendered its report and recommendation on May 19, 2018. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. Dr. John Aylward, evaluator on behalf of the appointing authority, conducted a psychological evaluation and characterized the appellant as not having the cognitive abilities to handle the kinds of complexities that are involved in community policing. Dr. Aylward noted that the appellant had difficulty with verbal expression and his performance during testing was “below average.” This was further evidenced by spelling and other errors made during the testing. Dr. Aylward concluded that the appellant was a psychologically poor candidate for the position based on his intellectual ability, both verbal and non verbal, and he was not recommended for appointment.

Dr. Gerard Figurelli, evaluator on behalf of the appellant, conducted a psychological evaluation and characterized the appellant as not evidencing symptoms of a diagnosable psychiatric illness or personality issues. Dr. Figurelli noted that the appellant’s intellectual functioning fell within the low average range and also confirmed Dr. Aylward’s findings that the appellant’s expressive verbal skills were somewhat limited. However, Dr. Figurelli further noted that there was not an indication that the cognitive limitations would impair his functioning as a

Police Officer. Further, Dr. Figurelli opined that the appellant's history of bodybuilding reflected the ability to commit to a rigorous training regimen, which would likely serve the appellant well in performing the duties of a Police Officer. Dr. Figurelli concluded that the appellant was psychologically fit to perform the duties of a Police Officer.

The Panel concluded that the negative recommendation found support in the appellant's intellectual ability which both evaluators concluded was in the low average range. Neither evaluator found any evidence of any psychiatric disorder. The Panel opined that more extensive cognitive testing might provide more information about the appellant's intellectual issues. However, the Panel expressed concern about the level of maturity the appellant has exhibited at this point in his life, given the demands of working as a Police Officer and the need to effectively relate to members of the community. As evidence of these concerns, the Panel notes that the appellant has apparently not lived independently, has not independently paid his bills, does not use standard financial instruments such as credit cards or a checking account, and does not file a tax return. The appellant's parents take care of his bills for him. The Panel saw this as reflecting a degree of immaturity that would render the appellant psychologically unfit, regardless of additional cognitive testing. The Panel found that the test results and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that his background shows a history of gainful employment and no psychological issues which would prevent him functioning as a Police Officer. The appellant argues that the fact that he is 28 years old and relies on his parents for financial support should not in itself be the determining factor in determining his psychological suitability. The appellant has life-long roots in the community which Dr. Figurelli noted was a significant positive factor supporting his suitability for police work.

CONCLUSION

The Job Specification for the title, Police Officer, is the official job description for such municipal positions within the civil service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

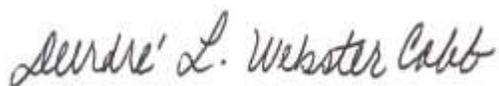
The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission agrees with the Panel's concerns about the appellant's intellectual ability and level of maturity. The Commission was not persuaded by the exceptions filed by the appellant. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that W.G. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF JUNE, 2019



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